

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

COMMSCOPE, INC., *et al.*,

Plaintiffs,
v.

ROSENBERGER TECHNOLOGY
KUNSHAN CO. LTD., *et al.*,

Defendants.

Civil Action No.

19-15962 (JXN) (LDW)

**ORDER GRANTING MOTION TO
SEAL**

THIS MATTER having come before the Court by way of Plaintiffs CommScope, Inc., CommScope Inc. of North Carolina, and CommScope Technologies, LLC's (collectively "Plaintiffs") motion to seal (ECF 613) portions of the parties' February 12, 2025 Status Letter to the Court (ECF 610) exhibits thereto (ECF 610-1, 610-2, 610-3, 610-4, 610-5) and the parties' CORRECTED Status Letter to the Court (ECF 611) and exhibits thereto (ECF 611-1, 611-2, 611-3, 611-4, 611-5); and there being no opposition to the instant motion; and the Court having considered the Declaration of Farid Firouzbakht (ECF 613-2) in support of the motion, and the factors contained in Local Civil Rule 5.3(c)(3), the Court makes the following Findings of Fact and Conclusions of Law:

1. Plaintiffs seek to seal portions of the parties' February 12, 2025 Status Letter to the Court (ECF 610) and exhibits thereto (ECF 610-1, 610-2, 610-3, 610-4, 610-5) and the parties' CORRECTED Status Letter to the Court (ECF 611) and exhibits thereto (ECF 611-1, 611-2, 611-3, 611-4, 611-5), as identified in the Consolidated Index In Support of the Joint Motion to Seal (ECF 613-1).
2. This case involves claims of, among other things, trade secret misappropriation under the Defend Trade Secrets Act, 18 U.S.C. §§ 1836 et seq. and New Jersey Trade Secrets Act,

N.J.S.A. §§ 56:15-1 et seq. The material sought to be sealed includes confidential and non-public information regarding plaintiffs' sale of their Outdoor Wireless Networks and Distributed Antenna Systems Businesses to a third-party (ECF 613-1) and confidential discovery materials marked Attorneys' Eyes Only under the Discovery Confidentiality Order entered in this action on September 24, 2019 (ECF 22).

3. Local Civil Rule 5.3(c)(3) requires a party seeking to seal materials filed with the Court to file a motion that describes "(a) the nature of the materials or proceedings at issue, (b) the legitimate private or public interests which warrant the relief sought, (c) the clearly defined and serious injury that would result if the relief sought is not granted, and (d) why a less restrictive alternative to the relief sought is not available."
4. Plaintiffs have a legitimate interest in maintaining the confidentiality of non-public discovery materials and competitive business information and would suffer a clearly defined injury if the information is disclosed, including the potential loss of competitive standing. *See United Therapeutics Corp. v. Actavis Labs. FL, Inc.*, Civ. A. No. 16-1816, 2017 WL 2172438, at *2 (D.N.J. May 17, 2017); *Curlin Med. Inc. v. ACTA Med., LLC*, Civ. A. No. 16-2464, 2017 WL 2729268, at *3 (D.N.J. Jan. 5, 2017) (granting the parties' motion to seal where "the confidential materials contain valuable, proprietary, and highly sensitive business information relating to the parties' respective businesses, including but not limited to financial information, business strategies, research and development, business relationships, customer information, and pricing information"); Federal Rule of Civil Procedure 26(c)(1)(G) (allowing the court to protect materials containing "trade secret[s] or other confidential research, development, or commercial information" upon

motion by a party, to prevent harm to a litigant's competitive standing in the marketplace).

5. No less restrictive alternative is available, as the parties have sought sealing of only the portions of the materials that contain confidential information.
6. Plaintiffs have submitted with the instant motion proposed redacted versions of ECF 610 and exhibits thereto and ECF 611 and exhibits thereto, except for such documents where the confidential information is so pervasive as to render redaction unreasonable and unduly burdensome.
7. Plaintiffs have thus satisfied the requirements for sealing under Local Civil Rule 5.3(c).

WHEREAS the Court having found that there are legitimate interests warranting the relief sought and no legitimate public interest in disclosure, and for good cause shown;

IT IS on this day, March 25, 2025,

ORDERED that the motion to seal (ECF 613) is **GRANTED** and the material identified in the consolidated index (ECF 613-1) is hereby ordered **SEALED**; it is further

ORDERED that Plaintiffs shall file the proposed redacted versions of ECF 610 and 611, on the public docket. The Clerk of Court is directed to maintain under seal ECF 610 and 611; and it is further

ORDERED that the Clerk of the Court shall terminate the motion to seal at ECF 613.

s/ Leda Dunn Wettre
Hon. Leda Dunn Wettre
United States Magistrate Judge